

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1188 be amended to read as follows:

- 1 Page 12, line 21, delete "Forty percent (40%)" and insert
- 2 **"Thirty-nine and nine-tenths percent (39.9%)".**
- 3 Page 12, between lines 32 and 33, begin a new line block indented
- 4 and insert:
- 5 **"(5) One-tenth of one percent (0.1%) to the county fiscal**
- 6 **body for distribution to mental health and addiction service**
- 7 **providers located in the county."**
- 8 Page 12, line 39, delete "Seventy-five percent (75%)" and insert
- 9 **"Seventy-four and nine-tenths percent (74.9%)".**
- 10 Page 13, between lines 9 and 10, begin a new line block indented and
- 11 insert:
- 12 **"(3) One-tenth of one percent (0.1%) to the county fiscal**
- 13 **body for distribution to mental health and addiction service**
- 14 **providers located in the county."**
- 15 Page 13, line 13, "delete "Fifty percent (50%)" and insert
- 16 **"Forty-nine and nine-tenths percent (49.9%)".**
- 17 Page 13, between lines 20 and 21, begin a new line block indented
- 18 and insert:
- 19 **"(3) One-tenth of one percent (0.1%) to be paid to the county**
- 20 **fiscal body of the county in which the allowed city is located**
- 21 **to make distributions to mental health and addiction service**
- 22 **providers located in the county."**
- 23 Page 19, line 4, delete "Fifteen percent (15%)" and insert **"Fourteen**

1 **and nine-tenths percent (14.9%)".**

2 Page 19, between lines 5 and 6, begin a new line triple block
3 indented and insert:

4 **"(vi) One-tenth of one percent (0.1%) to the county for**
5 **distribution to mental health and addiction service**
6 **providers located in the county.".**

7 Page 19, line 11, delete "Forty percent (40%)" and insert
8 **"Thirty-nine and nine-tenths percent (39.9%)".**

9 Page 19, between lines 23 and 24, begin a new line triple block
10 indented and insert:

11 **"(iv) One-tenth of one percent (0.1%) to the county for**
12 **distribution to mental health and addiction service**
13 **providers located in the county.".**

14 Page 22, line 4, delete "Money" and insert **"(a) Subject to**
15 **subsection (b), money".**

16 Page 22, between lines 11 and 12, begin a new paragraph and insert:

17 **"(b) At least one-tenth of one percent (0.1%) of the money**
18 **received by a county under section 7(d) of this chapter must be**
19 **used by the county to make distributions to mental health and**
20 **addiction service providers located in the county.".**

21 Page 33, between lines 17 and 18, begin a new paragraph and insert:

22 **"SECTION 24. IC 4-33-13-5, AS AMENDED BY P.L.224-2003,**
23 **SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
24 **JULY 1, 2004]: Sec. 5. (a) This subsection does not apply to tax**
25 **revenue remitted by an operating agent operating a riverboat in a historic**
26 **hotel district. After funds are appropriated under section 4 of this**
27 **chapter, each month the treasurer of state shall distribute the tax**
28 **revenue deposited in the state gaming fund under this chapter to the**
29 **following:**

30 (1) The first thirty-three million dollars (\$33,000,000) of tax
31 revenues collected under this chapter shall be set aside for revenue
32 sharing under subsection (e).

33 (2) Subject to subsection (c), ~~twenty-five percent (25%)~~
34 **twenty-four and nine-tenths percent (24.9%)** of the remaining
35 tax revenue remitted by each licensed owner shall be paid:

36 (A) to the city that is designated as the home dock of the
37 riverboat from which the tax revenue was collected, in the case
38 of:

39 (i) a city described in IC 4-33-12-6(b)(1)(A); or

40 (ii) a city located in a county having a population of more
41 than four hundred thousand (400,000) but less than seven
42 hundred thousand (700,000); or

43 (B) to the county that is designated as the home dock of the
44 riverboat from which the tax revenue was collected, in the case
45 of a riverboat whose home dock is not in a city described in

1 clause (A).

2 **(3) Subject to subsection (c), one-tenth of one percent (0.1%)**
 3 **of the remaining tax revenue remitted by each licensed**
 4 **owner shall be paid to the county in which the riverboat's**
 5 **home dock is located to make distributions to mental health**
 6 **and addiction service providers located in the county.**

7 **(4)** Subject to subsection (d), the remainder of the tax revenue
 8 remitted by each licensed owner shall be paid to the property tax
 9 replacement fund. In each state fiscal year beginning after June
 10 30, 2003, the treasurer of state shall make the transfer required by
 11 this subdivision not later than the last business day of the month
 12 in which the tax revenue is remitted to the state for deposit in the
 13 state gaming fund. However, if tax revenue is received by the state
 14 on the last business day in a month, the treasurer of state may
 15 transfer the tax revenue to the property tax replacement fund in
 16 the immediately following month.

17 (b) This subsection applies only to tax revenue remitted by an
 18 operating agent operating a riverboat in a historic hotel district. After
 19 funds are appropriated under section 4 of this chapter, each month the
 20 treasurer of state shall distribute the tax revenue deposited in the state
 21 gaming fund under this chapter as follows:

22 (1) Thirty-seven and one half percent (37.5%) shall be paid to the
 23 property tax replacement fund established under IC 6-1.1-21.

24 (2) Thirty-seven and one-half percent (37.5%) shall be paid to the
 25 West Baden Springs historic hotel preservation and maintenance
 26 fund established by IC 36-7-11.5-11(b). However, at any time the
 27 balance in that fund exceeds twenty million dollars (\$20,000,000),
 28 the amount described in this subdivision shall be paid to the
 29 property tax replacement fund established under IC 6-1.1-21.

30 (3) Five percent (5%) shall be paid to the historic hotel
 31 preservation commission established under IC 36-7-11.5.

32 (4) Ten percent (10%) shall be paid in equal amounts to each
 33 town that:

34 (A) is located in the county in which the riverboat docks; and

35 (B) contains a historic hotel.

36 The town council shall appropriate a part of the money received
 37 by the town under this subdivision to the budget of the town's
 38 tourism commission.

39 **(5) ~~Ten percent (10%)~~ Nine and nine-tenths percent (9.9%)**
 40 **shall be paid to the county treasurer of the county in which the**
 41 **riverboat is docked. The county treasurer shall distribute the**
 42 **money received under this subdivision as follows:**

43 (A) Twenty percent (20%) shall be quarterly distributed to the
 44 county treasurer of a county having a population of more than
 45 thirty-nine thousand six hundred (39,600) but less than forty

thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Sixty percent (60%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:

(i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(6) One-tenth of one percent (0.1%) shall be paid to the county fiscal body of the county in which the riverboat is docked to make distributions to mental health and addiction service providers located in the county.

(c) For each city and county receiving money under subsection ~~(a)(2)(A) or (a)(2)(C)~~, **(a)(2) or (a)(3)**, the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under

1 this subsection to the city or county. The total amount of money
 2 distributed to a city or county under this section during a state fiscal
 3 year may not exceed the entity's base year revenue. For each state fiscal
 4 year beginning after June 30, 2002, the treasurer of state shall pay that
 5 part of the riverboat wagering taxes that:

- 6 (1) exceeds a particular city or county's base year revenue; and
- 7 (2) would otherwise be due to the city or county under this
- 8 section;

9 to the property tax replacement fund instead of to the city or county.

10 (d) Each state fiscal year the treasurer of state shall transfer from the
 11 tax revenue remitted to the property tax replacement fund under
 12 subsection (a)(3) to the build Indiana fund an amount that when added
 13 to the following may not exceed two hundred fifty million dollars
 14 (\$250,000,000):

- 15 (1) Surplus lottery revenues under IC 4-30-17-3.
- 16 (2) Surplus revenue from the charity gaming enforcement fund
- 17 under IC 4-32-10-6.
- 18 (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

19 The treasurer of state shall make transfers on a monthly basis as needed
 20 to meet the obligations of the build Indiana fund. If in any state fiscal
 21 year insufficient money is transferred to the property tax replacement
 22 fund under subsection (a)(3) to comply with this subsection, the
 23 treasurer of state shall reduce the amount transferred to the build
 24 Indiana fund to the amount available in the property tax replacement
 25 fund from the transfers under subsection (a)(3) for the state fiscal year.

26 (e) Before August 15 of 2003 and each year thereafter, the treasurer
 27 of state shall distribute the wagering taxes set aside for revenue sharing
 28 under subsection (a)(1) to the county treasurer of each county that
 29 does not have a riverboat according to the ratio that the county's
 30 population bears to the total population of the counties that do not have
 31 a riverboat. Except as provided in subsection (h), the county auditor
 32 shall distribute the money received by the county under this subsection
 33 as follows:

- 34 (1) To each city located in the county according to the ratio the
- 35 city's population bears to the total population of the county.
- 36 (2) To each town located in the county according to the ratio the
- 37 town's population bears to the total population of the county.
- 38 (3) After the distributions required in subdivisions (1) and (2) are
- 39 made, the remainder shall be retained by the county.

40 (f) Money received by a city, town, or county under subsection (e)
 41 or (h) may be used for any of the following purposes:

- 42 (1) To reduce the property tax levy of the city, town, or county
- 43 for a particular year (a property tax reduction under this
- 44 subdivision does not reduce the maximum levy of the city, town,
- 45 or county under IC 6-1.1-18.5);
- 46 (2) For deposit in a special fund or allocation fund created under

1 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and
2 IC 36-7-30 to provide funding for additional credits for property
3 tax replacement in property tax increment allocation areas or debt
4 repayment.

5 (3) To fund sewer and water projects, including storm water
6 management projects.

7 (4) For police and fire pensions.

8 (5) To carry out any governmental purpose for which the money
9 is appropriated by the fiscal body of the city, town, or county.
10 Money used under this subdivision does not reduce the property
11 tax levy of the city, town, or county for a particular year or
12 reduce the maximum levy of the city, town, or county under
13 IC 6-1.1-18.5.

14 (g) This subsection does not apply to an entity receiving money
15 under IC 4-33-12-6(c). Before September 15 of 2003 and each year
16 thereafter, the treasurer of state shall determine the total amount of
17 money distributed to an entity under IC 4-33-12-6 during the preceding
18 state fiscal year. If the treasurer of state determines that the total
19 amount of money distributed to an entity under IC 4-33-12-6 during the
20 preceding state fiscal year was less than the entity's base year revenue
21 (as determined under IC 4-33-12-6), the treasurer of state shall make
22 a supplemental distribution to the entity from taxes collected under this
23 chapter and deposited into the property tax replacement fund. The
24 amount of the supplemental distribution is equal to the difference
25 between the entity's base year revenue (as determined under
26 IC 4-33-12-6) and the total amount of money distributed to the entity
27 during the preceding state fiscal year under IC 4-33-12-6.

28 (h) This section applies only to a county containing a consolidated
29 city. The county auditor shall distribute the money received by the
30 county under subsection (d) as follows:

31 (1) To each city, other than a consolidated city, located in the
32 county according to the ratio that the city's population bears to the
33 total population of the county.

- 1 (2) To each town located in the county according to the ratio that
- 2 the town's population bears to the total population of the county.
- 3 (3) After the distributions required in subdivisions (1) and (2) are
- 4 made, the remainder shall be paid in equal amounts to the
- 5 consolidated city and the county."
- 6 Renumber all SECTIONS consecutively.
(Reference is to HB 1188 as printed January 23, 2004.)

Representative Scholer